

The Philanthropist.

PUBLISHED BY THE EXECUTIVE COMMITTEE OF THE OHIO STATE ANTI-SLAVERY SOCIETY.

GAMALIEL BAILEY, Jr., Editor.

We are verily guilty concerning our brother . . . therefore is this distress come upon us.

SAMUEL A. ALLEY, Printer.

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COMMUNICATIONS.

For the Philanthropist.

AN EXPLANATION OF FORMER STATE- MENTS ON THE FORMS OF GOVERNMENT.

MR. EDITOR:—When I sent my last article on this theme, having previously discovered that I could not be favored with your assistance, it was my purpose that it should be the last; supposing, as I did, that, like the preceding articles, it would speak for itself without note or comment; but as your editorial remarks will probably cause many readers to entertain mistaken views of its import, I think it is due to me, and much more to the cause of truth that I should have the privilege of making a public explanation. I have read your strictures with great attention, and cannot help being persuaded, that our difference in sentiment is very inconsiderable, and that a careful definition of words and names would perhaps cause it to vanish away.

All the facts stated by me both in regard to the official action of the English nation, and of our own have been admitted. You have, as it appears to me, celebrated the doings of England, even more than I have; and in regard to our own country, you have conceded, that "to extenuate the wickedness of this nation, in a single point, would be treason against our country and our God." So far, then, there is no dissimilarity in our views.

You think that my article "assumes that the English government is a monarchy." I have said it is "called a monarchy;" but have represented both it and our government as a "compound" of the simple elements designated by the names, monarchy, aristocracy, and democracy. In this, also, if I understand you, we are precisely of the same opinion. I regret, however, that the impression was made on your mind, that "Mr. Shinn, seems disposed to magnify that monarchy at the expense of the character of our government." My phrases in some parts of the article may possibly have favored such an inference; but certainly not that part of it where it is said, "I heartily wish that this Constitution, in its essential principles, may be perpetuated to the end of the world."

The Editor of the Philanthropist explicitly represents the government of England as "a democracy allied by an aristocracy," and our own as a democracy allied by slavery; and I submit it to his own decision, which is the worse ally, the aristocracy of England, or the slavery of the United States?

It is thought by my friend, that my article assumes, not only "that the English government is a monarchy," but also, "that this principle has been the chief agent in the production of certain results, which in fact have flowed from the predominance of the democratic element in that government." I was not aware, that in any thing said by me, this matter was "assumed." Nor was I aware, that "I magnified" the English government. The whole course of my argument implied a state of inquiry and hesitation, whether the several "elements" of government were not better combined in that institution than in ours, seeing the practical fruits were so different. It is not pretended that the element of monarchy is "the chief agent" in producing the good results produced by the English nation. I never designed to assume this; and I now explicitly disavow it. Such an assumption may be utterly disavowed, and yet a doubt may remain, whether the elements of government are not better combined in countries where we see good practical results, than in those where we behold the contrary.

The Editor thinks my article also "assumes that the democracy of the United States is a fair exemplification of the democratic principle, and that the deeds, which for years past have disgraced our nation, are the legitimate results of its supremacy." It appears to me, Mr. Editor, that careful investigation is yet wanting, to ascertain what is really "the democratic principle." According to views of it exhibited from some quarters, your statement is not quite strong enough, when taken in that light, I believe the French revolution was "the legitimate result of its supremacy." You have enumerated immensely extensive and valuable results, which you appear to think ought to be attributed chiefly to this principle; but what the principle itself is, remains yet to be ascertained.

Many, I am aware, regard this as one of the plainest things in the world. The democratic principle, say they, is simply a government of the people. If we ask them what this means, they tell us it means self-government; that is, for the people to govern themselves. What can be plainer?

I lately observed the movements of a great political convention in Pittsburgh, called Whigs, and saw printed on their banners, in large letters, "The people are coming." About a week after, the opposing party met, on whose flag I read also, "The people are coming." How is this, thought I? If what I read last week was true, the people have been here, and are gone. It came to pass, however, that at the election the democratic party were found to be in the majority; from which we are left to draw the conclusion, I suppose, that the democrats are the people, and whigs are not the people.

You tell us, Mr. Editor, that "the right of the people to govern themselves is just as clear and undeniable, as the right of an individual to think and act for himself. Neither is an absolute right, both are limited by the authority of God, and their exercise is to be regulated by his law; but other limit have they none."

In regard to the authority by which this exercise is limited, we are perfectly agreed; but whether we are equally harmonious in the other matters, I cannot determine, till I learn who are the people, and what it is for them to govern themselves. Upon the first inquiry, who are the people? We have this statement in your editorial remarks: "We should be almost tempted to plead for monarchy, if we thought that either of the reigning political parties represented fairly the real democracy—the people of the United States." Now as the democratic party and the whig party divide and comprehend this nation, and are both made up of people, if neither of them, nor both together, represent fairly the real democracy, I am somewhat at a loss to know where "the people of the United States" are to be found.

In regard to your illustration of the principle, let us inquire how "an individual thinks and acts for himself." Does not his whole self think and act? or does a little more than half of himself, control the other half? If the former, then when the illustration is applied to a people, the obvious meaning is for the whole people to act with a unanimous voice. Is this the meaning of self-government? If it is, let us have a distinct understanding of the matter, and keep to our definition.

If we say, on the contrary, that the people govern themselves when a little more than one half of them control and govern the other half, let us hold fast to our democratic principle, without wavering; otherwise our conclusions will be just as unsettled and fluctuating as our premises.

"Since God," you say, "has conferred equal natural rights upon all men, no family, tribe or nation of men have any right to form a government, in which this equality shall be infringed." If you mean man's personal rights, to life, liberty and the pursuit of happiness, we are agreed; but if you refer to some special "equality" contained in the "democratic principles," I am not yet able to understand it.

When has it come to pass that any tribe or nation of men have "formed a government" for themselves? It may be said, perhaps, that our revolutionary fathers did so. And suppose this be granted;—as there is scarcely now a man alive, who had any voice in the matter, we may perhaps be permitted to ask, had our fathers a right to form a government for us, as well as for themselves? or have we now a right to lay their plans aside, and to govern ourselves as independently as they did? Suppose we resolve to do so, how shall it be accomplished, upon the democratic principle? Must it be by the unanimous voice of the whole nation? or by a simple majority? If by the first, then, self-government cannot be exercised without a single dissenting voice remains; and if by the last, then it cannot be done without violating the authority of our fathers; for they have fixed and established the law in our Constitution, that no item of it can be altered without the concurrence of three-fourths of the qualified voters of this whole nation. If therefore self-government means for a people to govern themselves by the voice of a simple majority, our fathers have taken this right from the whole of us, so far as it relates to altering the Constitution of the United States. They have said, that in these great and principal matters we shall govern ourselves.

Who can give us information, whether the democratic principle be for a people to govern themselves by the voice of a simple majority, by a majority of two-thirds, or by a majority of three-fourths? If the Constitution provide, that in some departments, one of these shall be the rule, and in other departments another shall be the rule, who is to establish these provisions in the Constitution itself? Must it be done by two-thirds, three-fourths, a simple majority, or by the unanimous voice of the whole people? Where does the sovereignty reside? Where is the democratic principle?

Now I wish my readers distinctly to understand, that I hold it to be a very important element of good government, for a majority of the people to rule; but this governing power must be limited by various provisional checks, and we find it in fact thus limited in the Constitution of our country. If this governing influence of a majority be the democratic principle, our fathers thought that it ought to be limited and checked by other principles; and that these checks should be explicitly provided in the Constitution of the government. It is admitted, that if a majority would uniformly obey the law of God, they would need no other check and no other balance of power; but this is equally true of an aristocracy or of a king; if either should govern a nation exactly right, without any deviation, what else can they want? It is an easy thing to assume in one country, that the king is so pure that he will do no wrong; in another, that the nobility is immaculate; and in a third, that the people will always be found to be both spotless and infallible. "It is too late in the day" to be carried away with these groundless assumptions. If kings and aristocrats are corrupt, it is exactly because they form a part of the corrupt mass of the sovereign people. To say the parts may be corrupt, while the whole is pure—that the streams are deleterious which proceed from an uncontaminated fountain, is a kind of philosophy that is not learned from the Bible, but from the schools of infidelity in Revolutionary France.

How far, Mr. Editor, the public evils which we alike deplore have resulted from our form of government, and how the government could be modified, so as to hold human corruption more effectually in check, are questions that I have not taken upon myself to decide. I agree with you, that slavery is an incubus that ought to be entirely abolished. But if it be your view, that we have nothing more to do, after the abolition of slavery, than to throw open the door of universal suffrage, and to govern every thing by the voice of a simple majority, to bring about a political millennium—if this be what you mean by "the democratic principle"—I confess we belong to different schools, and embrace very different creeds; but I cannot persuade myself that this is really your meaning.

Your ingenious mind will, I am confident, acknowledge the propriety and fairness of publishing this explanatory article, that my sentiments may be rightly understood; and if I have inadvertently made any misstatement, or misconceived your meaning, I shall be pleased to see the necessary corrections from your pen.

As ever yours,

A. SHINN.

For the Philanthropist.

ON HOLDING COMMUNION WITH EXTORTIONERS.

MR. BAILEY.—I have received a published sermon delivered by Rev. J. M. Putnam of Dunbar, New Hampshire, before the church and congregation of which he is pastor. That church for half a century or more, before Mr. Putnam took charge of it, had been under the pastoral care of that venerable servant of God, Rev. Dr. Harris, who, when any new plan of usefulness in God's moral vineyard had been presented, has never required a long process of training, till the eleventh hour, and the measure had become popular, to convert him to the faith of duty and its utility; but he has always borne the heat and burden of the day in all the christian enterprises. Mr. Putnam, his successor, partakes of the same spirit; and his church instead of meeting together to pass resolutions that no notices shall be read in the pulpit, relating to human liberty, and thus joining with

the mob party to put down free discussion, as other churches have done, are prepared to act efficiently, for the millions whose rights that God has given, are violently torn assunder by oppression. It is cheering, amidst the multitudes of popularity seeking ministers of the gospel, who "are dumb dogs that cannot bark," when the rights and christianity of the oppressed, degraded slave are at issue, to see now and then a man come out in the decided tone that the minister in Dunbar has done, and be sustained by the energetic action that his church has exhibited. Would all the churches in the free states come out in such decided tone and action, its withering influence would speedily abolish slavery throughout the land.

The following resolutions, it appears, had been proposed at a previous meeting of the church, and remained unacted on, viz:

Resolved, That we believe it to be the duty of the churches of our Lord Jesus Christ to bear their public and united testimony against the sin of slavery, by excluding all slave-holding ministers from their pulpits, and slaveholding church members from their communion.

Resolved, That we do hereby debar from our communion all persons guilty of the above mentioned sin,—believing it to be one of the ways in which it is our duty to use our influence to bring them to repentance; and not doubting that were all the non-slave-holding churches to adopt this course, it would do more to effect their repentance than almost any other means that can at present be adopted.

That all might be fully prepared to act understandingly on the subject, Mr. Putnam preached the sermon under consideration the Sabbath previous to the adoption of the resolutions by the church, from the text, 1st Corinthians, 5, 11. If any one that is called a brother, be . . . an extortioner; with such an one, no not to eat. In treating this subject, he first defines extortion, referring to Webster's and Johnson's Dictionaries. Webster says extortion is the act, or practice of wresting any thing from a person by force, duress, menace, authority, or by any undue exercise of power, illegal exaction; illegal compulsion; force, or illegal compulsion by which any thing is taken from a person." He next refers to commentators, which agree with the above essentially; and then sums it up in the following, as its legitimate definition, viz: "Unreasonable and oppressive exactions,—the wresting or taking away in an oppressive manner, that which belongs to another, and appropriating it to our own use." He then goes in his 2d proposition to examine if extortion applies to the slave-holder. And surely this seems so self-evident, that it needs no elucidation by argument, to convince every one of its affirmation. What is slavery? It is the sum total of human evils, unmingled with a gleam of future hope, to lighten the ponderous weight, which, mountain-like, is pressing upon the soul, degrading its moral sensibilities, aiming to obliterate its god-like properties, and destroying its self-respect, and kindred sympathies. It is the effort of man to reduce his fellow being, made in the image of God, to a brute, and obliterate the human soul, and transfer responsibility from God to man. What crime can be more guilty of that will compare in magnitude with this, which is the slavery of professedly christian America? The midnight robber may break into my house, and bind me hand and foot, if he has the strength to do so, while he accomplishes his deeds of plunder, and leave the house in flames, bearing off in triumph the spoils of robbery, and leave my wife and family penniless and destitute,—even naked; but he has done me a small injury; and his sin, if estimated according to its consequences, is comparatively a small sin. He may have abridged my conveniences somewhat, but I still enjoy the affections of my family, and the friendship of my neighbors and acquaintances as usual. What is a little property compared with liberty? It is nothing. Take liberty away and all is gone. Nay, farther, let it be the midnight assassin, armed with the implements of death; and let him strike down my beloved wife and dear children before my face! This would be a horrid thing; but the trial would fall far short of perpetual slavery. I put it to the consciences of all to say, which you would choose, the sudden death of your family, or see them transported to the cotton fields of the South, as slaves for life, and their posterity after them, and know that the Bible is closed up from them forever by law, and that all the sacred institutions of the family state, which God has ordained, are annihilated, and that they are an unprotected prey to lust, and every vile passion of irresponsible man. O, this would be a canker in the soul that would ever eat—a rankling in the breast that would give no rest day nor night! Death, God willing, is far preferable to slavery. Slavery must, then, be extinction of the highest possible aggravation.

It will be said that the negroes have not the sensibility of feeling that cultivated minds have. Is it so? It is then because they have been pressed down, and their sensibilities crushed, under the immense weight of slavery. Your posterity, if made slaves, would be equally insensible in the next generation.

I should be glad to make extracts from the author, but it is all so nearly alike, uncompromising with sin, and appropriate to the point he has in view, I hardly know how to make any selection. I suppose your limits will not admit of the whole, and I must therefore give a few specimens only. He says, under his second proposition, "That slaveholders, or those who rob men of themselves, and subject them to unrequited toil, are the greatest extortioners conceivable. This proposition is too plain to need the formality of proof. If a man takes away my property without my consent and against my will, he is a robber, in the most common acceptance of the word; or, to use the phraseology of the text, he is an extortioner. But if he takes, not merely my property, but myself, and all my earnings,—if he takes my body, my limbs, my bones and muscles,—if he takes all that I have, and all that I am, and converts all over to his own service and benefit,—he is a robber, or extortioner, in the highest and worst sense—he is the greatest extortioner conceivable. This is a plain case. It is impossible to carry the sin of extortion to a greater length than this. It is extortion in the last extremity, and in its most nefarious and cruel form. It is an extortion which dehumanizes the man, and reduces him to a mere thing, subject solely to the use and will of another."

That this species of extortion, which, of all conceivable kinds of extortion is the foulest and blackest, is precisely that species of extortion practised by slaveholders, will be seen by a moment's reference to the code of slave laws, which slaveholders themselves have framed and adopted. Slaveholders themselves acknowledge, by their own laws, that they "rob men of every thing; that they rob them of all they possess, and of all that they can acquire,—that they rob them even of their humanity, and reduce them to a level with mere goods and chattels, which may be bought and sold and transferred from one person to another, just as bales of cotton, or any other articles of merchandise are transferred."

"It is sometimes objected, that to call slaveholders robbers, is calling hard names." "When we speak of a robber, in the common acceptance of the word, we simply mean, one who, by violence or oppression, takes away the property of another. But when we speak of a slaveholder the term implies much more than this. It implies robbery of a far higher and more aggravated character. It is robbing a man of himself." "Of course, when we speak of slaveholders as robbers, it is a great softening down of the term legitimately belonging to them. It is calling them by a much milder name than that by which they call themselves when they speak of themselves as slaveholders." "It is not only robbing man, but it is robbing God, by usurping God's prerogatives, and assuming God's place, as overseer and disposer of the immortal beings he has created."

Our author's third proposition is, "That the word of God forbids us to admit persons of this character to our communion." If the second proposition be sustained, the text itself decides this, with the authority of Divine inspiration, from which there is no appeal.

But says our author, "You may say that the slaveholders need to be enlightened,—that they do not know that they are doing wrong, by holding their fellow-men as slaves." They don't know then, do they, that slavery is wrong? I can show them a criterion by which to judge. They believe the bible is the word of God. Our Savior says, as ye would that others would do to you, do ye even to them likewise. Let them apply this criterion and slavery would vanish. It could not stand the test. Don't they know it is sinful? God instituted the ordinance of marriage, when he first created man; and our Savior has recapitulated and enforced the ordinance. Have ye not read, that he which made them at the beginning, made them male and female, and said, For this cause shall a man leave father and mother and shall cleave to his wife; and they twain shall be one flesh? Wherefore they are no more twain but one flesh. What therefore God has joined together, let no man put asunder. God says, Honor thy father and thy mother. And the inspired Apostle says, Children obey your parents in the Lord. Then he recapitulates God's first commandment to children with promise, and to parents says, Ye fathers, provoke not your children to wrath, but bring them up in the admonition of the Lord. God has everywhere in his word recognized children as responsible to their parents, and committed to their care. What says slavery to these ordinances? It says, away with marriage, and the parental relation, and filial obedience, and all the ordinances of God. You shall have nothing to do with them; you are my property, and responsible to me alone. Don't slaveholders know that slavery is sinful? Let them listen to God's own word, given under the tremendous sanction of thunders and lightnings, and the voice of the trumpet exceeding loud. He that stealeth a man, and selleth him, or if he be found in his hands, he shall surely be put to death. Are not the slaves found in the slaveholder's hands? And he knows that they are stolen. Though he may have paid his money for them, he knows he was robbing the thief. Though they may have been born on his plantation, and he may have seized them in helpless infancy, and made them his property as soon as they were born, still, it is no less theft. He stole them from their parents, and from themselves. Till the slaveholder can show a bill of sale, that God himself has given man to man, convert into a brute, and sell his fellow-being—his equal, and his posterity after him, say not that the slaveholder is ignorant that slavery is wrong.

Till he can show you a copy of the decree, by which the Almighty has reversed his law, giving to all the human family alike certain inalienable rights, for the security of their happiness and moral improvement, and has given a part into the irresponsible power and control of another portion, their equals, to live and labor for their happiness, without regard to their own, and has made them slaves, cease your apology that slaveholders don't know that slavery is sinful. It is false. It is written on the fleshy tables of every heart, unless he willfully and resolutely resist the conviction, that slavery is an enormity against a fellow-being that admits of no parallel.

Can the christian, whose garments are free from blood, sit down at the table of the Lord with the slaveholder, and be not consenting to his deeds? Our author's text says—"no, not to eat." The inspired Apostle says in another place, "If any man obey not our word by this epistle, note that man, and have no company with him, that he may be ashamed; yet count him not as an enemy, but admonish as a brother."

Will you give us a few scraps from our author on this head of his subject, and wish you had room for more. He says,—

"If any man is so ignorant as not to know that this is a sin, such ignorance is of itself a sufficient reason for not admitting him to the communion-table. His very ignorance of the nature of right and wrong, good and evil, would be sufficient justly to debar him from such intimate christian fellowship, till he should have more light, and know that such a palpable violation of the law of God, and such an outrage upon humanity, is wrong."

"What! shall a man come to the communion table, with his hands all red and reeking with the sin of extortion—extortion practised in its foulest and most aggravated form, and plead that he doesn't know any better than to commit such deeds? and shall we, on this account, give him the right hand of fellowship as a disciple of Christ, and receive him to the most endearing christian communion? Monstrous absurdity! This indeed would be making light have communion with darkness, and holding fellowship with unrighteousness, with a witness."

"But I deny the fact that such ignorance does actually exist. No rational man is so ignorant, or so unenlightened, as not to know, when he reflects upon it, that it is sinful to hold and use his fellow-man as his property—to deprive him of his liberty—to strip him of his natural and inalienable rights, and reduce his rational and immortal nature down to a mere chattel, a thing, to be bought and sold, like a beast of burden. I say there is no rational man but what knows, when he reflects upon it, that this is sin. There is no soundness in the plea of ignorance on this point. It is impossible for a man not to know that slaveholding is sin; because it is self-evident."

"The plea, therefore, that slaveholders, in supporting such a monstrous system of wrongs and cruelties, do not know that they are committing sin, is perfectly irrational, and has no foundation in truth. They do know that they are committing sin; and this is the reason why they cannot bear to have the subject agitated. Their consciences goad them; and this is the reason why they cry out, Let us alone; torment us not with your discussions about our 'peculiar institutions.' . . . They hate the light, and will not come to the light, because they know that they are wrong; and they know that the more light they have, the more outrageously and desperately their consciences will lash them."

"Here is the true secret of all that tremendous excitement at the South against abolition movements,—their conscious guilt."

"God says,—Thou shalt not suffer sin upon thy neighbor." We command you, says the apostle, 'in the name of our Lord Jesus Christ, that ye withdraw yourselves from every brother that walketh disorderly.' If any man that is called a brother be . . . an extortioner, with such an one, no not to eat. Now, will you obey God or not? I submit the question, with the utmost confidence that you will decide in obedience to your Maker."

There are two things we do not like in the foregoing painted communication. They are, its unmitigated style, and its indiscriminate condemnation. We reprobate, as we always have done, the use of the epithet robber, as applied to the slaveholders generally; neither do we believe that all slaveholders are conscious of the stupendous wrong they commit in holding slaves. If we thought that there was no conscience in the South, no ignorance on the subject of human rights, that all slaveholders were as fully convinced of the horrible criminality of enslaving a fellow-being, as we are, we should, in view of their bitter hostility against us, quit argument at once, and turning away from them, think only of destroying every vestige of slavery, in places where we could act as well as talk. Until we can thus believe, we cannot become unsparing denouncers.

Ed. Phil.

PROCEEDINGS IN CONGRESS.

House of Representatives.

WEDNESDAY, DEC. 12, 1838.

The Journal having been read.

Mr. Wise rose and said that he did not perceive it noticed on the journal that he had yesterday refused to vote when his name was called on the first of the series of resolutions offered by the gentleman from New Hampshire, (Mr. Atherton.) He asked that it might stand as recorded evidence on the journal, that he had not entertained jurisdiction of the question of slavery in the District of Columbia. He moved that his refusal to vote be entered on the journal; which motion was rejected.

Mr. W. then inquired if the motion he had just submitted would be entered on the journal.

The Speaker replied in the affirmative.

ADJOURNMENT OF SLAVERY.

Mr. Campbell, of Tennessee, inquired whether it would be in order to move a reconsideration of the vote taken yesterday on the first of the series of resolutions presented by the gentleman from New Hampshire, (Mr. Atherton.) The Speaker said that there could be no interposition until the whole of the resolutions had been voted upon. After that had been done, the gentleman from Tennessee, or any other member who had voted in the affirmative, might move a reconsideration.

The question then recurring on the adoption of the second of the said series of resolutions, in the words following, to-wit: That the petitions for the abolition of slavery in the District of Columbia and the Territories of the United States, and against the removal of slaves from one State to another, are a part of the plan of operations set on foot to alter the institution of slavery in the several States, and thus indirectly to destroy the rights of the States affected.

On the name of Mr. Biddle being called, that gentleman rose and said: I am impelled reluctantly, Mr. Speaker, to ask the House to excuse me from voting on the second resolution. And with reference to the brief statement of reasons which the rule permits, I think proper to say that I am not in the interpretation which you, sir, have placed upon it. I believe that the spirit of the rule is, to permit a member to state only what is personal and peculiar to himself, and that he should not be suffered to run into general suppositions and arguments. You will readily believe, therefore, that I am not going to press this matter before the House, but I am going to state the reasons which I have in my mind, and which I think it my duty to state to the consideration I address myself, and it is with reference to it that I now ask the indulgence of the House.

What is my condition? During the recent canvass in the State of Pennsylvania, a number of interrogatories were addressed to the several candidates, and to myself among the number, upon this, as it is called, exciting topic.

The Speaker here interposed, and said it was not in order to enter upon a statement of what had occurred in Pennsylvania. The gentleman was entitled to give a brief statement of the reasons why he asked to be excused from voting.

Mr. Biddle, Mr. Speaker, I am about to state my peculiar position, as a reason why this House should extend its indulgence to me individually. In relation to the interrogatories alluded to, I have to state, that I told the people distinctly, sternly, and without qualification, that I regarded every attempt to interfere with the subject of slavery in the District of Columbia, or in the Territories, as inexpedient and unwarrantable; that I deprecated—

The Chair again interposed. The Chair saw no difference, as regarded the requirements of the rule, between the gentleman had argued before the people in Pennsylvania, and making the same arguments before the House. It was not in order either to make those arguments here, or to rehearse them as having been made elsewhere.

Mr. Biddle, I mention these things by way of explanation why I claim this peculiar indulgence from the House. I am not going to press this matter pertinaciously, which sometimes, probably, may be successful in overruling; but I put it to you, Mr. Speaker, and to the House, that I have a right to make this explanation in reference to myself, and as constituting my claim to be excused.

The Chair said that if such a course of argument were to be allowed, the whole subject-matter of the resolutions would be laid open to debate, which could not be done by the rule and under the operation of the previous question.

Mr. Biddle said he would not press the matter further, nor was he disposed to give much importance to it as to take every attempt to interfere with the subject of slavery in the District of Columbia, or in the Territories, as inexpedient and unwarrantable, that I deprecated—

And the question having been taken, the House refused to excuse Mr. Biddle.

And the question on the adoption of the said resolution was then taken, (the yeas and nays having been yesterday ordered on the whole proposition.)

On the name of Mr. Wise being called, that gentleman rose and refused to vote, and asked that his refusal be noted on the journal.

After two other names had been called.

Mr. Cushing rose to a question of order. By one of the rules of the House, it was made obligatory on every member who was within the bar, when his name was called, to vote. By another rule (the fifth), he thought the Clerk was required to call the names of the members alphabetically. He (Mr. C.) insisted that the Clerk could not proceed to call a subsequent name, until the member next preceding him on

the roll, and who was at the time in his place, had voted, or until the House had taken order upon it.

The Chair said this question had been decided in the 24th Congress, and the decision of the Chair had in that instance been affirmed by a vote of more than two to one. The Clerk must proceed with the roll, leaving the House to deal with a member in such manner, or not at all, as the House might think proper.

Mr. Cushing said he should address himself to this question again at the earliest possible moment.

And the roll having been called through.

Mr. Cushing resumed the question of order.

The Speaker interrupted Mr. C., stating that it was not now in order.

Mr. Cushing insisted that this was a question of principle which must be decided now.

The Chair said that the announcement of the vote could not be interrupted.

Mr. Cushing. Suppose a member's vote may change the decision.

The Chair said that the question might be put, and one member and another and another might refuse to vote until the business of the House might be in this way interrupted and postponed almost indefinitely.

Mr. Cushing said he had a question which he desired to put to the Chair. Suppose that a member should rise in his place and ask to be excused. The House refused to excuse him, and was about to vote. The member should then rise in his place and positively and contumaciously refuse to vote. Was the House to let it pass?

The Chair said the matter must be taken notice of at another period. But nothing could be suffered to interpose to prevent the announcement of the decision.

And the vote on the second resolution was then announced as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beers, Birney, Bell, Bicknell, Birdall, Bouldin, Broadhead, Buchanan, Bynum, Calhoun, Cambreleng, William B. Campbell, Carter, Chambers, Casey, Chapman, Clowry, Coles, Connor, Craig, Crockett, Cushman, Dawson, Deberry, Dring, Dring, Duncan, Elmore, Farrington, Fairfield, F. Fletcher, Foster, Galup, James Garland, Rice Garland, Glascock, James Graham, Grantland, Grant, Graves, Gray, Griffin, Hamer, Harlan, Harrison, Hayes, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, H. H. Hunter, R. M. T. Hunter, Jackson, Joseph Jackson, Joseph Johnson, William Cost Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kennedy, Kingensmith, Leadbetter, Lewis, Loomis, Lyon, Mallory, J. M. Mason, Martin, McKay, Robt. McClellan, Abraham McClellan, McClure, Mercer, Meritt, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Palmer, Parker, Parris, Paynter, Pearce, Peckitt, Phelps, Pickens, Plumer, Pope, Pratt, Reilly, Rencher, Rhett, Robertson, Rumsey, Augustine H. Shepard, Charles Shepard, Shields, Shepherd, Snyder, Southgate, Southworth, Swain, Taliaferro, Taylor, Thomas, Thompson, Toucey, Towney, Turney, Vail, Wagener, Webster, Whitley, John White, Sherrod Williams, Jared W. Williams, C. H. Williams, Word, Yell—134.

NAYS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Ayer, Bond, Borden, Briggs, Childs, Clark, Coffin, Corwin, Cranston, Cushing, Darlington, Davis, Daves, Dunn, Edwards, Evans, Everett, Ewing, Richard Fletcher, Filmore, Fry, Giddings, Gove, William Graham, Grennell, Hall, Halsted, Harper, Hastings, Henry, Herod, Lincoln, Marshall, Samuel M. May, McKean, McKim, McKim, Calvary Morris, Noyes, Parmenter, Peck, Peck, Putnam, Rariden, Randolph, Reid, Ridgway, Robinson, Russell, Saltston, Slade, Smith, Slade, Smith, Stone, Stratton, Tillingham, Titus, Toland, Albert S. White, J. L. Williams, York—30.

Henry A. Wise refused to vote.

So the second resolution was adopted.

The question then recurring on the adoption of the third resolution, in the words following, viz: "Resolved, That Congress has no right to do that indirectly which it cannot do directly; and that the agitation of the subject of slavery in the District of Columbia, or the Territories, as a means, and with a view of disturbing or overthrowing that institution in the several States, is against the spirit and meaning of the Constitution, an infringement of the rights of the States affected, and a breach of the public faith on which they entered into the Confederacy."

Mr. Bond asked for a division, so as to take the vote first on that portion of the resolution contained in the following words: "Resolved, That Congress has no right to do that indirectly which it cannot do directly."

Which said division was ordered.

And the question was then taken, and decided in the affirmative, as follows:

YEAS—Messrs. Alexander, J. W. Allen, Anderson, Andrews, Atherton, Ayer, Banks, Beatty, Beers, Birney, Bell, Bicknell, Birdall, Bouldin, Broadhead, Bronson, Buchanan, Bynum, J. Calhoun, Cambreleng, Wm. B. Campbell, John Campbell, Coffin, Connor, Corwin, Craig, Clowry, Crockett, Cushman, Dawson, Deberry, De Graft, Dennis, Dring, Duncan, Dunn, Edwards, Elmore, Ewing, Farrington, Fairfield, F. Fletcher, Foster, Fry, Galup, James Garland, Rice Garland, Glascock, James Graham, Grantland, Grant, Graves, Gray, Griffin, Hamer, Harlan, Harrison, Hayes, Hawkins, Haynes, Herod, Holt, Hopkins, Howard, Hubley, W. H. Hunter, R. M. T. Hunter, Ingalls, T. B. Jackson, J. Jackson, J. Johnson, N. Johnson, Wm. C. Johnson, N. Jones, Keim, Kemble, Kennedy, Kingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, Lyon, Mallory, J. M. Mason, S. Mason, Martin, Maury, May, Maxwell, McKay, R. McClellan, A. McClellan, Meritt, McKean, Mercer, Meritt, Mitchell, Montgomery, Moore, Morgan, S. W. Morris, Murray, Noble, Noyes, Palmer, Parker, Parris, Paynter, Pearce, Peckitt, Phelps, Pickens, Plumer, Pope, Pratt, Randolph, Reilly, Rencher, Rhett, Ridgway, Rives, Robertson, Rumsey, Sawyer, A. H. Shepard, C. Shepard, Shields, Shepherd, Snyder, Southgate, Spencer, Stuart, Stone, Stratton, Swearingen, Taliaferro, Taylor, Titus, Toucey, Towney, Turney, Vail, Wagener, A. S. White, John White, Whitley, S. Williams, J. W. Williams, J. L. Williams, C. H. Williams, Word, Yell—170.

NAYS—Messrs. Adams, Allen, Bond, Borden, Briggs, Childs, Cranston, Curtis, Cushing, Darlington, Davis, Daves, Dunn, Edwards, E. Everett, R. Fletcher, Filmore, Giddings, Grennell, Hall, Kennedy, Lincoln, C. Morris, Peck, Peck, Putnam, Rariden, Saltston, Slade, Smith, Tillingham, York—30.

aves. By a Committee of Synod of Kentucky.